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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,707	08/10/2001	Monte A. Leen	LEEM 143	5877

7590 03/28/2003

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EXAMINER

GAGLIARDI, ALBERT J

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,707

Applicant(s)

LEEN, MONTE A.

Examiner

Albert J. Gagliardi

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1 ☐ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

DETAILED ACTION

Comment on Submissions

1. The preliminary response filed 12 February 2002 has been entered.

Specification

2. The disclosure is objected to because of the following informalities:

The substitute specification does not include a page 2.

Appropriate correction is required.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 12 February 2002 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osteen *et al.* (US 5,381,323) in view of Haslam *et al.* (US 5,662,411) and Sandell *et al.* (5,757,004).

Regarding claim 1, Osteen discloses a motion detector assembly comprising a mounting box (12); a main motion sensor head containing a front opening (26) with a motion a sensor (44); a main panel (inherent and/or obvious) connected to the motion sensor; means (see generally

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Figs. 2, 4) for adjusting the horizontal and vertical orientation; and at least one lamp (inherent in view of lamp holders 16 and 17) to be activated when an object is detected within the field of view of the motion sensor.

Osteen does not specifically disclose a second motion sensor or a main panel inside the main motion sensor head and connected to the first and second motion sensors.

Regarding the use of a second sensor, those skilled in the art appreciate that the spot/flood light lamps and the motion sensors used in typical outdoor applications are directional (i.e., they have a particular field of illumination and field of view). As such, depending on the needs of the particular application, it is known to include multiple lamps and multiple motion sensors on one fixture so as to allow for increased illumination/detection coverage. *Haslam*, for example, discloses a fixture (Fig. 3B) including two lamps (22) and two motion sensors (24).

Regarding the two motion sensors being attached to a single main board, *Sandell* discloses (Fig. 2) a motion detector assembly including a main board (16) and two independent motion sensors (12). Therefore, absent some degree of criticality, the decision to utilize two motion sensors each including their own main panel or two motion sensors operably connected to a single main board is viewed as a matter of obvious design choice within the skill of a person of ordinary skill in the art depending on the needs of the particular application in view of the known functional equivalent alternative arrangements. Means for adjusting the second motion sensor head would have also been an obvious design choice in view the adjusting means disclosed by *Osteen*.

Regarding claims 2 and 3, *Osteen*, as modified, suggests that the adjusting means includes an arm (24) fixed at one end to the main sensor head (26) and rotatably connected at the opposite end to a post connected to the mounting box (12).

Regarding claim 4, *Osteen*, as modified, suggests a flat lower surface (22) for mounting the main and second motion sensor heads (26). Absent some degree of criticality, the particular orientation (i.e., horizontal) is viewed as a matter of routine design choice within the skill of a person of ordinary skill in the art depending on the needs of the particular application.

Regarding claim 5, *Osteen* discloses a second lamp which, as modified, is electrically connected to the main panel.

Regarding claims 6 and 7, the inclusion of sensitivity and time adjustment switches for motion detector systems is well known, the particular location of which, absent some degree of criticality, would have been a matter of routine design choice within the skill of a person of ordinary skill in the art depending on the needs of the particular application.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert J. Gagliardi whose telephone number is (703) 305-0417. The examiner can normally be reached on Monday thru Friday from 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (703) 308-4852. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Albert J. Gagliardi
Patent Examiner
Art Unit 2878

AJG
March 24, 2003